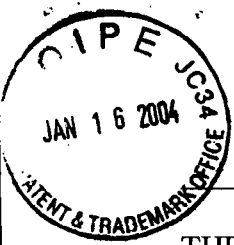


ttab



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THE BURTON CORPORATION

Opposer,

v.

MISSION VERTICAL LLC

Applicant.

Opposition No. 91158778

Serial No.: 76/471,134

Mark: **MISSION VERTICAL**



01-16-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #22

**APPLICANT'S ANSWERS TO NOTICE OF OPPOSITION**

The applicant, Mission Vertical LLC, denies that the opposer, The Burton Corporation, will be damaged by the registration of MISSION VERTICAL, application serial no. 76/471,134. Applicant further answers the Notice of Opposition as follows:

1. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition and accordingly denies same.
2. Applicant admits it filed an intent-to-use application on November 19, 2002, assigned serial no. 76/471,134, to register "MISSION VERTICAL for ski and snowboarding related equipment, namely portable ski carriers, bindings and parts therefor, brakes, edges, poles, ropes, scrapers, and wax; and ski and snowboard finding equipment comprising bag and detachable strap." With regard to the remaining allegations in paragraph 2, Applicant is without knowledge sufficient to form a belief as to the truth of the allegations and accordingly denies same.
3. Applicant denies the allegations in paragraph 3 of the Notice of Opposition.
4. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition and accordingly denies same.
5. Applicant admits that its products do not originate with, authorized or approved by Opposer. Applicant denies the remaining allegations in paragraph 5 of the Notice of Opposition.
6. Applicant admits that registration of the MISSION VERTICAL trademark grants *prima facie* evidence of the validity of the registered trademark and Applicant's exclusive right to use

the registered trademark in commerce in connection with the goods specified in the certificate of registration. Applicant denies the remaining allegations in paragraph 6 of the Notice of Opposition.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

7. The Notice of Opposition, and each and every purported cause of action alleged herein, fails to state a cause of action against Applicant upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

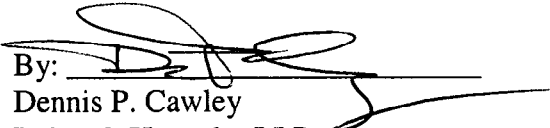
8. Applicant reserves the right to raise additional defenses or delete previously raised defenses as may be appropriate upon discovery or otherwise.

WHEREFORE, Applicant denies that there will be any damage or injury to Opposer and having made full answer to the Notice of Opposition, Applicant requests that the opposition be dismissed with prejudice.

Respectfully submitted,

MISSION VERTICAL LLC

Date: January 16, 2004

By:   
Dennis P. Cawley  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304  
(202) 861-1500 (Telephone)  
(202) 861-1783 (Facsimile)  
Attorney for Applicant

DPC/ko

**CERTIFICATE OF SERVICE**

I certify that on this 16<sup>th</sup> day of January 2004, a true copy of the foregoing Applicant's Answer to the Notice of Opposition was served upon the following via First Class Mail:

Lisa W. Martin  
Douglas R. Wolf  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Ave.  
Federal Reserve Plaza  
Boston, MA 02210

By: Betty J. Rasmussen  
Betty J. Rasmussen